

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 22, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning Department

AGENDA ITEM WORDING: The second of two public hearings to consider an amendment to the Future Land Use Map (FLUM) and the Land Use District (zoning) Map for THE LUJAN LIMITED PARTNERSHIP to amend the FLUM from Mixed Use/ Commercial (MC) to Residential Low (RL) for the parcel known as "Triangle Parcel" and from Mixed Use/ Commercial (MC) to Residential Medium (RM) for lots 6, 7, and 8 of the Ninth Addition; and to amend the Land Use District Map from Sub Urban Commercial (SC) to Sub Urban Residential (SR) for the "Triangle Parcel" and from Sub Urban Commercial (SC) to Improved Subdivision (IS) for lots 6, 7, and 8.

ITEM BACKGROUND: The first public hearing or "transmittal hearing" was held on February 23, 2005. At that meeting the BOCC recommended approval for both the FLUM amendment and the corresponding Land Use District Map amendment. The Planning Department, upon the instruction of the BOCC, transmitted the proposed amendments to the Department of Community Affairs (DCA) for consideration. On September 6, 2005, the DCA notified that they reviewed and have raised no objections to the proposed amendments.

PREVIOUS REVELANT BOCC ACTION: Adopted Transmittal Resolution 84-2005 on February 23, 2005.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: APPROVAL

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS N/A

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** Year

APPROVED BY: County Attorney X **OMB/Purchasing** N/A **Risk Management** N/A

DIVISION DIRECTOR APPROVAL: _____


Timothy J. McGarry, AICP

DOCUMENTATION: Included X

To Follow ☐

Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

PROPOSED FUTURE LAND USE MAP AMENDMENT

**MIXED USE COMMERCIAL (MC)
TO
RESIDENTIAL LOW (RL) AND RESIDENTIAL MEDIUM (RM)**

&

PROPOSED LAND USE DISTRICT (ZONING) MAP AMENDMENT

**SUBURBAN COMMERCIAL (SC) TO SUBURBAN RESIDENTIAL (SR) AND
IMPROVED SUBDIVISION (IS)**

This Map Amendment is for changes to the Future Land Use Map (FLUM) designation from Mixed Use/ Commercial (MC) to Residential Low (RL) for the “Triangle Parcel” and from Mixed Use/ Commercial (MC) to Residential Medium (RM) for lots 6, 7, and 8; and Land Use District Map amendment from Sub Urban Commercial (SC) to Sub Urban Residential (SR) for the “Triangle Parcel” and from Sub Urban Commercial (SC) to Improved Subdivision (IS) for lots 6, 7, and 8 of Key Haven’s Ninth Addition described by the Real Estate Numbers: 00123170.000000, 00123220.000000, 00139340.000000, 00139350.000000, and 00139360.000000, Key Haven (Raccoon Key), Monroe County, Florida.

FUTURE LAND USE MAP RECOMMENDATIONS

Staff:	Approval	August 16, 2004	Staff Report
DRC:	Approval	August 19, 2004	DRC Resolution D29-04
PC:	Approval	February 9, 2005	PC Resolution P69-04
BOCC:	Approval	February 23, 2005	BOCC Resolution 84-2005

ZONING RECOMMENDATION

Staff:	Approval	August 16, 2004	Staff Report
DRC:	Approval	August 19, 2004	DRC Resolution D29-04
PC:	Approval	February 9, 2005	PC Resolution P69-04
BOCC:	Approval	February 23, 2005	BOCC Resolution 84-2005

BOCC Ordinance to Amend the Future Land Use Map (FLUM)

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY THE LUJAN LIMITED PARTNERSHIP TO AMEND THE FUTURE LAND USE DISTRICT MAP (FLUM) FROM MIXED USE COMMERCIAL (MC) TO RESIDENTIAL LOW (RL) FOR THE PARCEL KNOWN AS THE "TRIANGLE PARCEL", AND FROM MIXED USE COMMERCIAL (MC) TO RESIDENTIAL MEDIUM (RM) FOR LOTS 6, 7, AND 8 OF THE KEY HAVEN'S NINTH ADDITION, FURTHER DESCRIBED AS SECTIONS 25, TOWNSHIP 67 SOUTH, AND RANGE 25 EAST, RACCOON KEY, MONROE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, the Monroe County Board of County Commissioners, during a special meeting held on February 23, 2005 conducted a review and consideration of the request filed by the Lujan Limited Partnership to amend the Future Land Use District Map (FLUM) from Mixed Use Commercial (MC) to Residential Low (RL) for the parcel known as the "Triangle Parcel", and from Mixed Use Commercial (MC) to Residential Medium (RM) for lots 6, 7, and 8 of the Key Haven's Ninth Addition, further described as sections 25, Township 67 South, and Range 25 East, Raccoon Key, Monroe County, Florida. The Real Estate Numbers are: 00123170.000000, 00123220.000000, 00139360.000000, 00139350.000000, and 00139340.000000; and

WHEREAS, at its August 19, 2004 meeting in Marathon, the Development Review Committee reviewed the application and recommended approval of this Future Land Use Map amendment as outlined in the DRC Resolution D29-04; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Marathon on February 9, 2005. Based on the facts presented at the meeting, the Planning Commission recommended approval of the request as outlined in the Planning Commission Resolution P69-04; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated February 10, 2005; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. Section 9.5-511(d)(5) b. of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d) (5) b. (v) of the MCC). The application was initiated by the applicant in order to change the subject property's land use designation to a land use district that corresponds with the residential character of Key Haven Subdivision.

3. The pre-1986 zoning of the subject properties was BU-1 (Light Business District) and RU-1 (Single Family Residential District).
4. During the 1986 Comprehensive Plan process, the land use (zoning) districts of the subject properties were changed to IS and SR but later, the "Triangle Parcel" and lots 1 through 8 in the Ninth Addition were changed to SC.
5. Based on MCC section 9.5-206, the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.
6. The principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.
7. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan (Comp Plan) shows that most of Key Haven has a FLUM designation of Residential Medium (RM). Additionally, it is assigned a zoning designation of (IS), consistent with the FLUM.
8. Section 9.5-511 of the MCC prohibits any map amendments that would negatively influence community character.
9. Policy 101.4.3 of the Comp Plan states that development within this (Residential Medium) land use category shall be limited to one residential dwelling unit for each such platted lot or parcel, which existed at the time of plan adoption. Section 9.5-213 of MCC states, "This district is not intended to be used for new land use districts of this classification within the county."
10. None of the lands which are the subject of this application except lots 6, 7, and 8, are platted.
11. Pursuant to MCC section 9.5-207, the purpose of the Suburban Residential zoning district is to establish areas of low-to medium-density residential uses characterized principally by single-family detached dwellings.
12. Objective 101.11 of the Comp Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The 2004 Public Facilities Capacity Assessment Report and the listed programs on storm water and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
14. Goal 102 of the Comp Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
15. Policy 101.4.3 of the Comp Plan states that the principal purpose of Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.

16. Based on the community character, Future Land Use Map designation of Residential Low (RL) and zoning district of Suburban Residential (SR) are preferred alternatives to the existing MC/SC land use designation for the Triangle Parcel; and

WHEREAS, the Department of Community Affairs made no objections, recommendations, or comments regarding the proposed map amendment; and

WHEREAS, the Board of County Commissioners held the second of two public hearings on the proposed map amendment on September 22, 2005; and

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law**:

1. Based on the zoning and land use history, during the 1986 Comprehensive Plan process, staff supported and approved a land use change for lots 3 through 10 of the Ninth Addition to RM. Therefore, based on the historic evidence, a map amendment to change the Future Land Use Map of lots 6, 7, and 8 to Residential Medium (RM) from the existing Mixed Use/ Commercial (MC) is consistent with Policy 101.4.3 of the Year 2010 Comprehensive Plan and the Monroe County Land Development Regulations and therefore, is supported by the BOCC.
2. For the Triangle Parcel, the map amendment to Residential Low (RL) meets the requirements outlined in sections 9.5-511(d)(5)b.(v) and 9.5-215 and will not negatively impact or alter the character of the subject property or the neighborhood and is supported by the staff and the BOCC.
3. The Future Land Use Map amendments from MC to RL for the Triangle Parcel and RM for lots 6, 7, and 8 of the Ninth addition support Objective 101.11 of the Comp Plan based on the findings of the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. With the exception of fire safety infrastructure as outlined in the letter from the Assistant Fire Marshal dated May 03, 2004, there are no significant concerns regarding impacts on public facilities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property AKA "Triangle Parcel", which is currently designated Mixed Use/ Commercial (MC) shall be designated Residential Low (RL) and lots 6, 7, and 8, shall be designated Residential Medium (RM) which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 7. This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes.

Section 8. The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the _____ day of _____, A.D., 2005.

Mayor Dixie M. Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner P. David Rice	_____
Commissioner Murray E. Nelson	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Spehar

(SEAL)

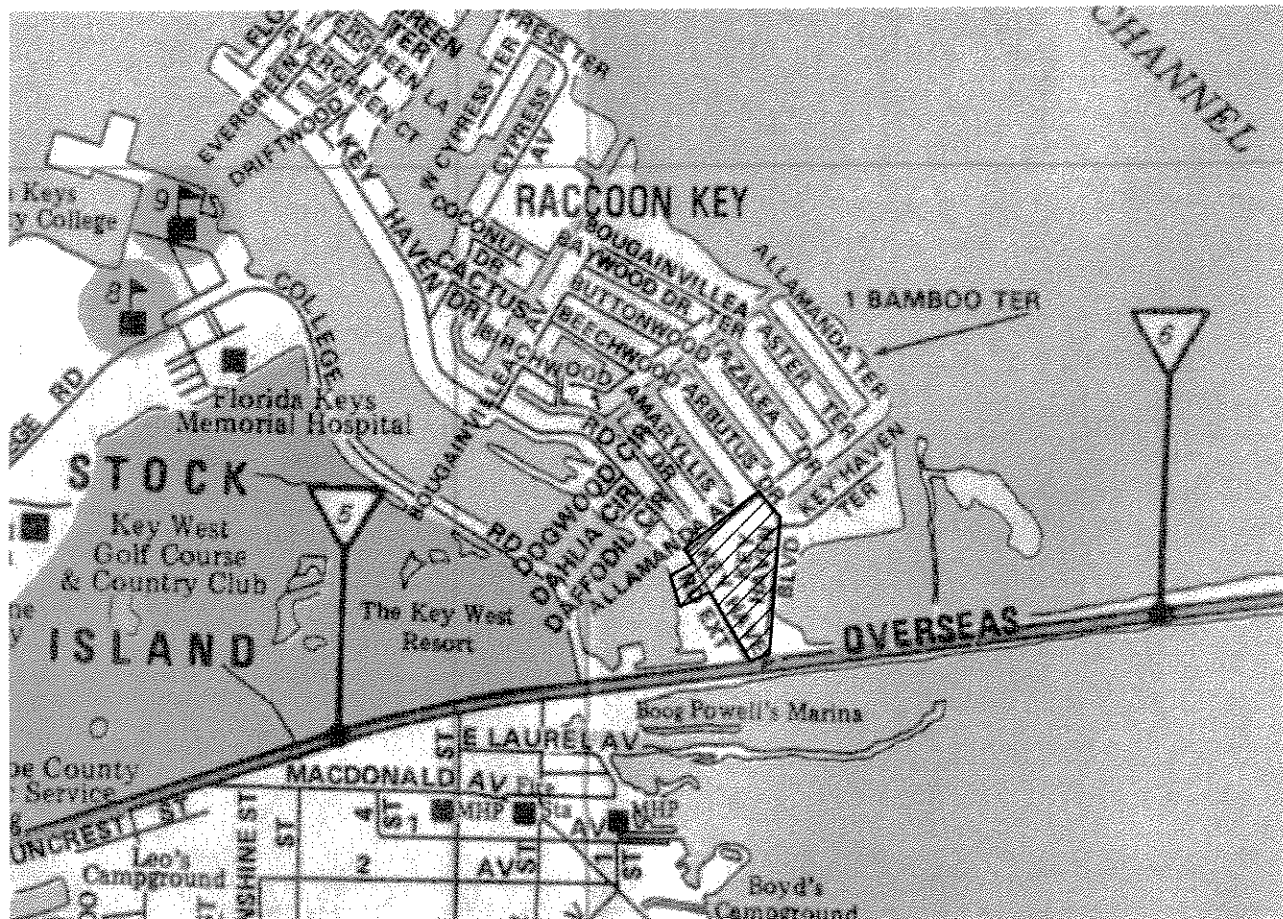
ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



“Exhibit 1”

EXHIBIT 1



Proposed Future Land Use Map Amendment: Street Map

Key: Key Haven

Mile Marker: 5.5

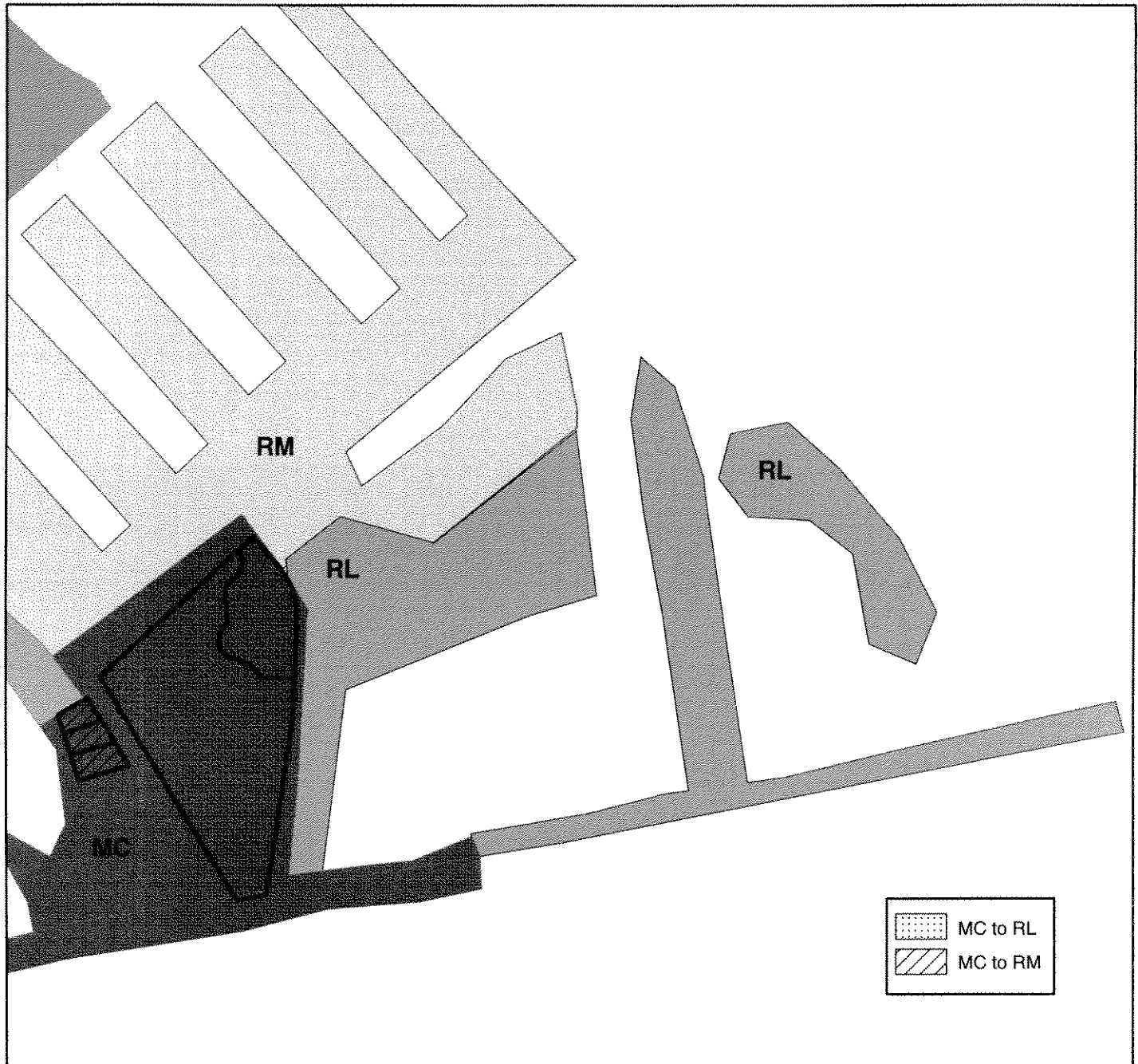
Proposal: Change Future Land Use District from Mixed Use Commercial (MC) to Residential Low (RL) and Mixed Use Commercial (MC) to Residential Medium (RM)

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576

EXHIBIT 1



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Key Haven

Mile Marker: 5.5

Proposal: Change Future Land Use District from Mixed Use Commercial (MC)
to Residential Low (RL) and Mixed Use Commercial (MC) to Residential
Medium (RM)

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576



500
Feet

A horizontal scale bar with the text '500' above it and 'Feet' below it.

EXHIBIT 1



Proposed Future Land Use Map Amendment: Aerial

Key: Key Haven

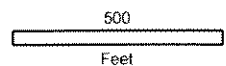
Mile Marker: 5.5

Proposal: Change Future Land Use District from Mixed Use Commercial (MC) to Residential Low (RL) and Mixed Use Commercial (MC) to Residential Medium (RM)

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576



BOCC Ordinance to Amend the Land Use District (Zoning) Map

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY THE LUJAN LIMITED PARTNERSHIP TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO SUBURBAN RESIDENTIAL (SR) FOR THE PARCEL KNOWN AS THE "TRIANGLE PARCEL", AND FROM MIXED USE COMMERCIAL (MC) TO IMPROVED SUBDIVISION (IS) FOR LOTS 6, 7, AND 8 OF THE KEY HAVEN'S NINTH ADDITION AND FURTHER DESCRIBED AS SECTIONS 25, TOWNSHIP 67 SOUTH, AND RANGE 25 EAST, RACCOON KEY, MONROE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CONFLICTS REPEALED; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, the Monroe County Board of County Commissioners, during a special meeting held on February 23, 2005 conducted a review and consideration of the request filed by the Lujan Limited Partnership to amend the Land Use District Map from Suburban Commercial (SC) to Suburban Residential (SR) for the parcel known as the "Triangle Parcel", and from Mixed Use Commercial (MC) to Improved Subdivision (IS) for lots 6, 7, and 8 of the Key Haven's Ninth Addition and further described as sections 25, Township 67 South, and Range 25 East, Raccoon Key, Monroe County, Florida. The Real Estate Numbers are: 00123170.000000, 00123220.000000, 00139360.000000, 00139350.000000, And 00139340.000000; and

WHEREAS, at its August 19, 2004 meeting in Marathon, the Development Review Committee reviewed the application and recommended approval of this Land Use District Map Amendment as outlined in the DRC Resolution No. D29-04; and

WHEREAS, based on the recommendation of the Development Review Committee, staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Marathon on February 9, 2005. Based on the facts presented at the meeting, the Planning Commission recommended approval of the request as outlined in the Planning Commission Resolution No. P69-04; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated February 10, 2005; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Findings of Facts**:

1. Section 9.5-511(d)(5) b. of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d) (5) b. (v) of the MCC). The application was initiated by the applicant in order to change the subject property's land use designation to a land use district that corresponds with the residential character of Key Haven Subdivision.

3. The pre-1986 zoning of the subject properties was BU-1 (Light Business District) and RU-1 (Single Family Residential District).
4. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties were changed to IS and SR but later, the "Triangle Parcel" and lots 1 through 8 in the Ninth Addition were changed to SC.
5. Based on MCC section 9.5-206, the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan (Comp Plan) shows that most of Key Haven has a FLUM designation of Residential Medium (RM). Additionally, it is assigned a zoning designation of (IS), consistent with the FLUM.
7. Section 9.5-511 of the MCC prohibits any map amendments that would negatively influence community character.
8. Policy 101.4.3 of the Comp Plan states that development within this (Residential Medium) land use category shall be limited to one residential dwelling unit for each such platted lot or parcel, which existed at the time of plan adoption and Section 9.5-213 of MCC states, "This district is not intended to be used for new land use districts of this classification within the county."
9. None of the lands which are the subject of this application except lots 6, 7, and 8, are platted.
10. Pursuant to MCC section 9.5-207, the purpose of the Suburban Residential zoning district is to establish areas of low-to medium-density residential uses characterized principally by single-family detached dwellings.
11. Objective 101.11 of the Comp Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
12. The 2004 Public Facilities Capacity Assessment Report and the listed programs on storm water and wastewater indicates that there are no significant concerns regarding impacts on public facilities.
13. Goal 102 of the Comp Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
14. Policy 101.4.3 of the Comp Plan states that the principal purpose of Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.
15. Based on the community character, Future Land Use Map designation of Residential Low (RL) and zoning district of Suburban Residential (SR) are preferred alternatives to the existing MC/SC land use designation for the Triangle Parcel; and

WHEREAS, the Board of County Commissioners held the second of two public hearings on the proposed map amendment on September 22, 2005; and

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law**:

1. Based on the zoning and land use history, during the 1986 Comprehensive Plan process, staff supported and approved a land use change for lots 3 through 10 of the Ninth Addition to IS. Therefore, based on the historic evidence, a map amendment to change the land use district of lots 6, 7, and 8 to IS from the existing SC is consistent with Policy 101.4.3 of the Year 2010 Comp Plan and the Land Development Regulations.
2. For the Triangle Parcel, the map amendment to SR meets the requirements outlined in MCC sections 9.5-511(d)(5)b(v) and 9.5-215 and will not negatively impact or alter the character of the subject property or the neighborhood and is supported by the staff.
3. The map amendments from SC to SR for the Triangle Parcel and IS for lots 6, 7, and 8 of the Ninth addition support Objective 101.11 of the Comp Plan based on the findings of the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. With the exception of fire safety infrastructure as outlined in the letter from the Assistant Fire Marshal dated May 03, 2004, there are no significant concerns regarding impacts on public facilities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property AKA "Triangle Parcel", which is currently designated Suburban Commercial (SC) shall be designated Suburban Residential (SR) and lots 6, 7, and 8, that are currently designated (SC) shall be designated Improved Subdivision (IS); which is hereby incorporated by reference and attached as "Exhibit 2".

Section 3. The Land Use District Map of the Monroe County shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Section 7. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission Approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the _____ day of _____, A.D., 2005.

Mayor Dixie M. Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner P. David Rice	_____
Commissioner Murray E. Nelson	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Spehar

(SEAL)

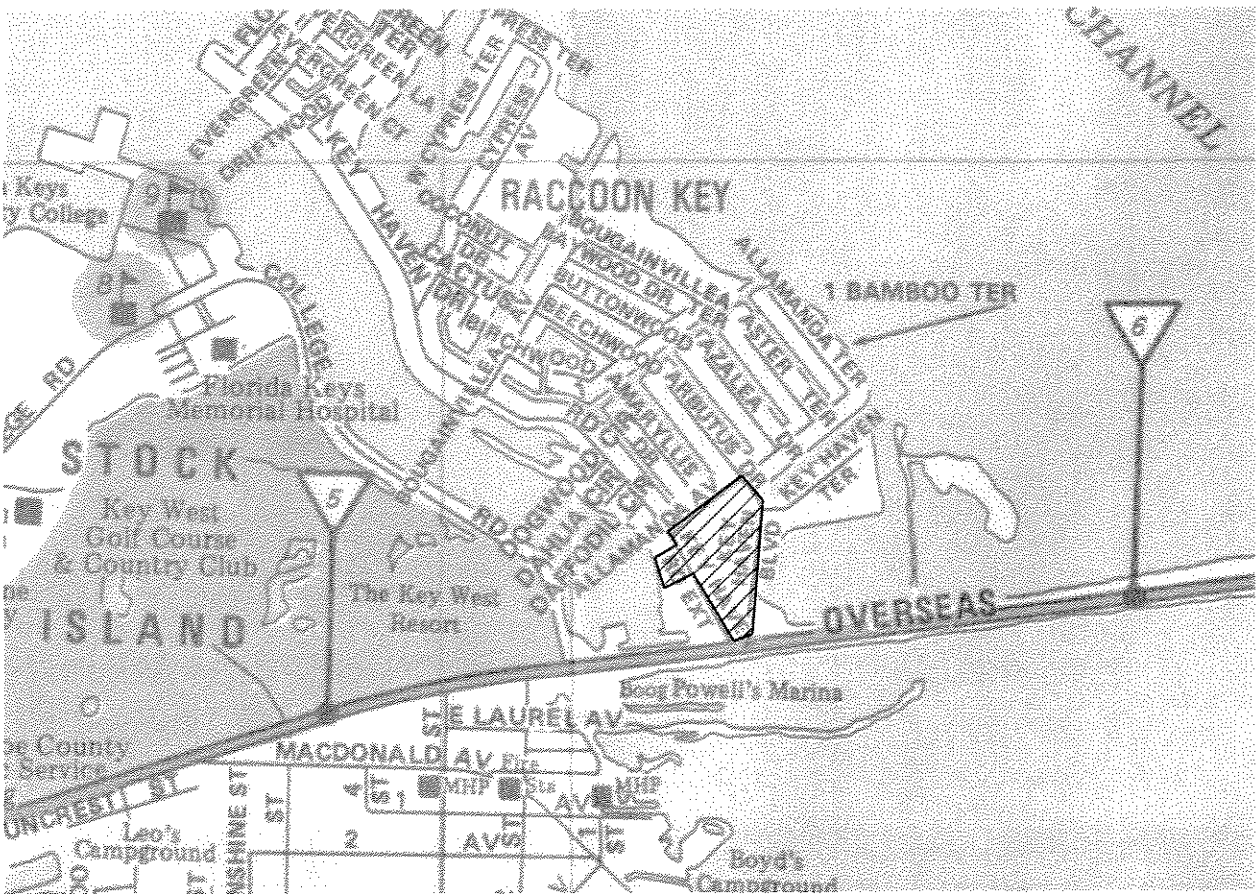
ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK

“Exhibit 2”

EXHIBIT 2



Proposed Land Use District Map Amendment: Street Map

Key: Key Haven

Mile Marker: 5.5

Proposal: Change Land Use District from Suburban Commercial (SC) to Improved Subdivision (IS) and Suburban Commercial (SC) to Suburban Residential (SR).

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576

EXHIBIT 2



Proposed Land Use District Map Amendment: Aerial

Key: Key Haven

Mile Marker: 5.5

Proposal: Change Land Use District from Suburban Commercial (SC) to Improved Subdivision (IS) and Suburban Commercial (SC) to Suburban Residential (SR).

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576

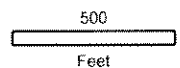
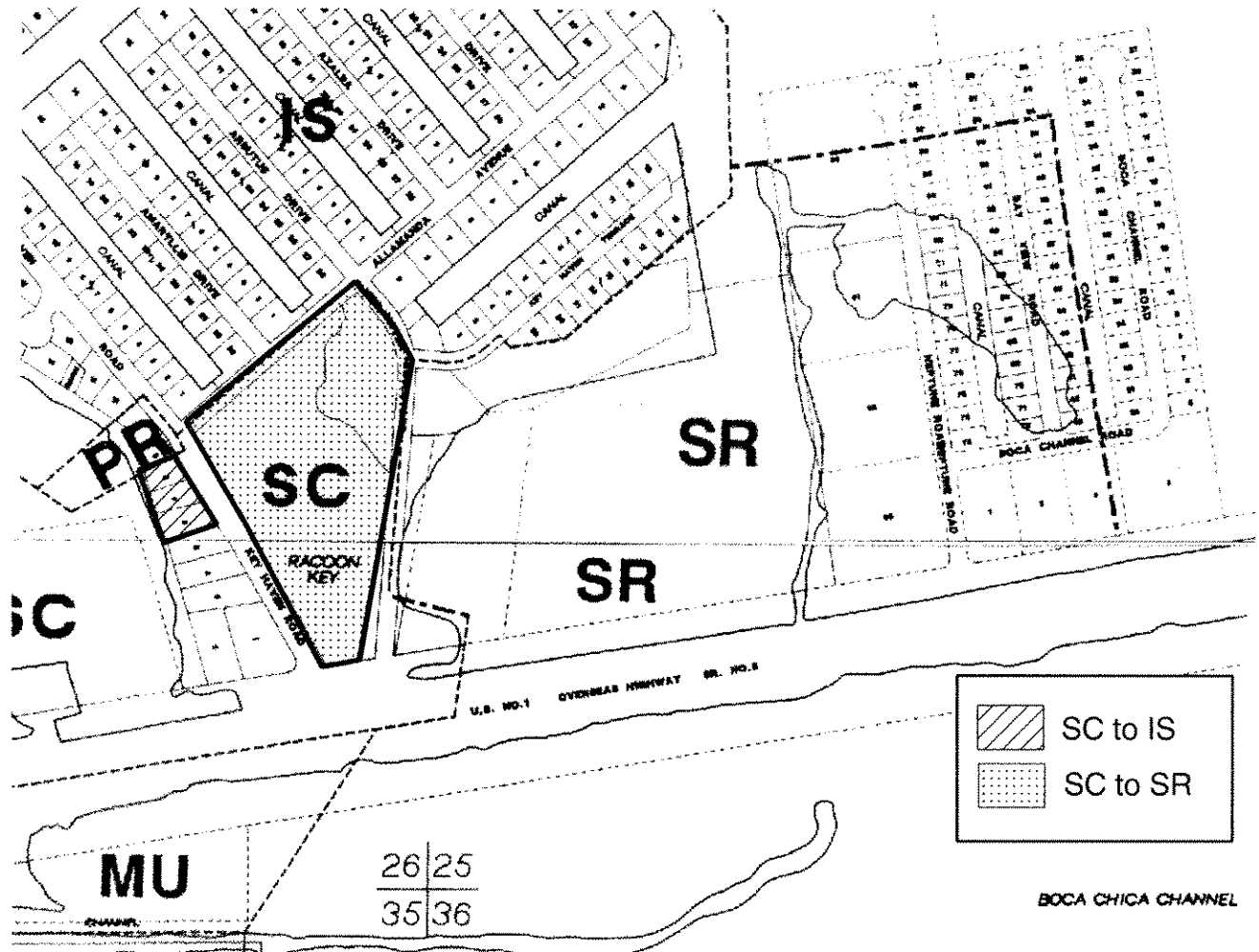


EXHIBIT 2



The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Key Haven

Mile Marker: 5.5

Proposal: Change Land Use District from Suburban Commercial (SC) to Improved Subdivision (IS) and Suburban Commercial (SC) to Suburban Residential (SR).

Property Description: RE 123170, 123220, 139360, 139350, 139340

Map Amendment: M24066

Land Use District Map #: 575 and 576

BOCC Staff Report

MEMORANDUM

TO: The Board of County Commissioners

FROM: K. Marlene Conaway,
Director of Planning and Environmental Resources

RE: Key Haven (Raccoon Key) Future Land Use Map (FLUM) and Land Use District
(Zoning) Map Amendments

Date: September 6, 2005

MEETING DATE: September 22, 2005

EXISTING FUTURE LAND USE DESIGNATION: Mixed Use/Commercial (MC)

PROPOSED FUTURE LAND USE DESIGNATION: Residential Medium (RM) and
Residential Low (RL)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATIONS: Improved Subdivision (IS) and Sub
Urban Residential (SR)

PROPERTY OWNER: The Lujan Limited Partnership

AGENT: Donald L. Craig, AICP, the Craig
Company

PROPERTY INFORMATION:

Key: Raccoon Key

Size: Variable

Mile Marker: MM 6 of U.S. Highway No. 1

Location Detail & Brief Description: The subject lands include:

- a. A parcel of land known as the "Triangle Parcel" (unplatted), bounded by Key Haven Road, Allmanda Drive, Key Haven Boulevard, and U.S. Hwy. 1 right-of-way and further described as a parcel of land located in Section 25, Township 67 South, and Range 25 East, Monroe County, Florida, and identified with the Real Estate Numbers 00123170.000000 and 00123220.000000; and

- b. Lots 6, 7, and 8 of the Key Haven's Ninth Addition, PB5-113, Raccoon Key, Monroe County, and identified with the Real Estate Numbers 00139340.000000, 00139350.000000, and 00139360.000000.

Background: The first public hearing or "transmittal hearing" was held on February 23, 2005. At that meeting the BOCC approved both the FLUM amendment and the corresponding Land Use District Map amendment. The Planning Department, upon the instruction of the BOCC, transmitted the proposed amendments to the Department of Community Affairs (DCA) for consideration. On September 6, 2005, the DCA notified that they reviewed and have raised no objections to the proposed amendments.

Existing Use: All the lands which are the subject of this application are vacant.

Existing Habitat: The "Triangle Parcel" does meet the criteria for wetland delineation as listed in the Florida Statutes and thus will be considered a low quality wetland by Monroe County. This parcel contains several native tree species as well as sporadic algal mats. In addition, the northeastern corner of this parcel contains an area of mangroves. This area begins approximately 200 feet from the northeastern corner of the property and runs an approximate length of 180 feet along the eastern property line. The area of mangroves has a width at its greatest point of approximately seventy (70) feet and at its least point of sixty (60) feet. Section 9.5-347 of the Code requires an open space of 100% in a mangrove area. This area of the parcel will be considered unbuildable by Monroe County and will not be counted towards density calculations. The remainder of the property will be considered a low quality wetland. This designation does not prohibit development, however, Monroe County Code Section 9.5-348 requires that a setback of fifty (50) feet be maintained as an open space buffer between any development occurring adjacent to all types of wetlands and the wetland line. This requirement is superceded by permits from the Army Corps of Engineers (ACOE). Thus, letters of coordination from both the Department of Environmental Protection (DEP) and The Army Corps of Engineers (ACOE) will be required for any development that occurs on this parcel. As this parcel is not bordered by a water body, no shoreline setback will apply. This parcel is located within the proposed Tier 3 zoning overlay. This lot is served by all public utilities and is not considered habitat for any listed animal species or located within an acquisition area for preservation. This parcel is completely within the AE 9 flood zone per FIRM panel 1728-H, effective, date March 3, 1997.

Lots 6, 7 and 8 are filled upland lots that border a dredged canal and those shorelines are defined as altered for setback purposes. These three parcels do exhibit some wetland vegetation, however staff could not locate other indicators such as hydric soils or algal growths. As this does not meet State of Florida Statutes for wetland classification they will not be considered wetlands by Monroe County. The Army Corps of Engineers (ACOE) does not use the state wetland criteria and thus may still consider these parcels to be wetland and may require mitigation prior to development. These three parcels are located within the proposed Tier 3 zoning overlay. These lots are served by all public utilities and are not considered habitat for any listed animal species or located within an acquisition area for preservation. These lots fall completely within the AE 9 flood zone per FIRM panel 1728-H, effective, date March 3, 1997.

Land Use and Habitat on the 1985 Existing Conditions Aerials: Sheet 14 and 17 of the 1985 Existing Conditions Aerials show all of the above listed parcels to be vacant. They also assign a habitat code of 740 to the parcels herein called “Triangle, and lots 6, 7, and 8” which indicates that these areas were considered disturbed with no habitat value.

Land Uses and Neighborhood Character: *Raccoon Key* is located north of Stock Island, across from U.S. Hwy 1 and east of the City of Key West. It is separated from the City by a narrow section of Florida Bay. The City’s major public and private uses including the Florida Keys Community College, the Lower Keys Memorial Hospital, and the golf course are located in the proximity of the Key Haven Subdivision. Key Haven Subdivision is an upscale single-family residential community with over 400 homes. The subdivision was built in different phases or additions over several years. The average lot size in Key Haven is 0.20 acres.

Only three relatively small portions of the subdivision are not zoned for residential use. These consist of a wetland area in the Sixth Addition and Gov., lots 1 and 2 in the area known as Little Raccoon Key, zoned NA (Native Area District), lots 9 and 10 in the Ninth Addition used as a small community park, zoned PR (Parks and Recreation District), “Triangle Parcel” and lots 1 to 8 of Key Haven Ninth Addition are zoned SC for commercial uses (a Service Station is located on lots 1 and 2). The rest of Key Haven parcels are zoned IS or SR.

ZONING AND LAND USE HISTORY:

Pre-1986 Zoning: A records search indicated that the “Triangle Parcel” and lots 6, 7, and 8 of the Ninth Addition were all zoned **BU-1** (*Light Business District*) since the inception of Monroe County zoning until 1986 when the land use designation changed. The owner of the property acquired the three parcels in 1963 by a receiver’s deed, which was issued by order of the Circuit Court of Monroe County. Throughout these years and until 1986, the owner was assessed taxes based on commercial usage.

Pursuant to Section 19-216 of the pre-1986 zoning code, the BU-1 zoning category was intended to “...protect and enhance the areas best suited for the preservation of business related to neighborhood, tourist and resort, retail sale and business, and personal and professional services”.

Principal uses permitted in BU-I zoning district included: club and lodges, hospitals, clinics, medical and dental laboratories, funeral homes, crematoriums and mortuaries. Retail sales and services were permitted upon special approval.

Considerations During the 1986 Comprehensive Plan Process: During the 1986 comprehensive planning process, one of the primary objectives was to reduce densities of the unincorporated county in an effort to prevent over-development and to protect resources. As part of the comprehensive planning process, the Planning Department considered changes to the existing Zoning Map. Upon review of this property, the Planning Staff determined that it was prudent to change the zoning of the “Triangle Parcel” to SR (Sub Urban Residential). Lots 1 and 2 to SC and 3 through 10 of the Ninth Addition were changed to IS.

On January 30, 1986, a hearing before the Board of County Commissioners was held to review the zoning map changes with respect to this and many other properties throughout the County. Mr.

Robert J. Paterno, representing Arthur and Betty Lujan, the owners of these lands, requested that changes be made to lots 3 to 8 of the Ninth addition, "Triangle Parcel", "Parcel B" and "Parcel C" to create an opportunity for development of large-scale resort/tourist housing. After a lengthy discussion involving strong objections from the individual property owners and the Key Haven Civic Association, the Board voted and approved SC zoning for the "Triangle Parcel", lots 1 through 8 in the Ninth Addition, and "Parcel C". Lots 9 and 10 were rezoned from IS to PR to be used for a community park, but "Parcel B" remained unchanged as SR.

Later on, the assignment of SC to "Parcel C" was found to be a demarcation error and therefore, the land use district was changed to SR in an effort to provide a continuous residential use around the boat basin, east of the Key Haven Boulevard and South of Key Haven Terrace.

Changes to Boundary Considerations Since 1986: No recorded boundary changes were found for the subject parcels.

ANALYSIS AND RATIONALE FOR CHANGE (Pursuant to Section 9.5-511 (d) (5)(b):

Changed Projections or Assumptions: Regarding the existing commercially zoned land on Key Haven, the applicant states that the original projections were made based on a build out of approximately 1,400 lots, and substantial water-related and waterfront commercial uses. It is stated in the application, "the original potential was never realized due to changes in Federal, State and County law". The applicant acknowledges that more than 850 of these lots are either native habitat or unfilled bay bottom, and therefore, unbuildable. According to the application, of the remaining buildable lots, 418 contain single-family homes.

With regard to commercially zoned lands, 10.3 acres of land is currently zoned for commercial use, from which 9.2 acres were rezoned at the owners request to SC in 1986 and during the Comprehensive Planning process. As mentioned earlier in this report, Staff had recommended that SR would be most appropriate for all these parcels, except lots 1 through 8 of the Ninth Addition.

The request for SC designation by the applicant was based on the premise that eventually a resort type development will be built in that location. Subsequently, in 1989, the owner applied for an amendment to a major conditional use to build a development named Key West Inn and Ocean Club. The proposed resort contained five inn buildings with 114 hotel units, 17 villas (single family homes) and duplexes, a clubhouse, a beach house, a Gazebo, three tennis courts, three racquetball courts, a swimming pool, a swimming area with dock, a marina with 40 boat slips, Main building including 7200 square feet for a restaurant, Employee housing, office space, lounge, and guard house located at entrance along Key Haven Road. The project was denied by the Planning Commission. Subsequently, the applicant filed an appeal that was denied in 1992.

Presently, commercial development in the unincorporated Monroe County is governed by Non-residential Rate of Growth Ordinance (NROGO), which limits the amount of non-residential floor area allocation to 2,500 SF for one site. Under the NROGO Ordinance, a site can transfer a maximum of 4,000 SF of commercial floor area from an approved sender site through a minor conditional use. Except in UC (Urban Commercial) land use districts, an existing structure can not receive an allocation that expands the structure to more than ten thousand (10,000) SF of nonresidential floor area.

The evidence since the implementation of NROGO indicates that demand for commercial development in Monroe County has been growing. In the unincorporated Monroe County, the Livable Communikeys Program (currently underway for Stock Island and Key Haven), is the proper setting to address each community's needs including commercial and business sustainability. Based on the evidence from previous facilitated community meetings, the residents of Key Haven have expressed little or no interest in expansion of commercial uses in Key Haven. It is expected that the Livable Communikeys Program for Key Haven and Stock Island respond to these needs through policies and regulatory strategies that will be fully integrated and consistent with the County and each of the island communities in terms of economic development, quality of life, and protection of the environment.

Since 1986, Staff has not supported the SC zoning for the "Triangle Parcel" in Key Haven. During the Comprehensive Planning process, with the guidance of the consultants assisting the Department, Staff recommended commercial zoning only for lots 1 and 2, IS for lots 3 through 10 of the Ninth Addition, and SR for the rest of the parcels. The expansion of SC designation to other parcels was initiated by the property owner.

While the assumption on which the current designation was based may have changed, the comprehensive plan still dictates the land use for the area. The development potential of the subdivision is more thoroughly discussed later in this report.

Data Errors: None.

New Issues: None.

Recognition of a Need for Additional Detail or Comprehensiveness: As part of any applicant-initiated proposed land use amendment, a recommendation by the Planning Department to approve the land use change request must be based on the following determinations:

1. that there is a reason, pursuant to Section 9.5-511, MCC, that is based on competent and substantial evidence, to change the land use from its current designation to the proposed one; and
2. that after determining the development potential in each of the categories, the impacts of the development potential in the proposed category is compatible with the surrounding uses and community character; and
3. that the impacts associated with the development allowed in the proposed category are consistent with the goals, objectives and policies of the 2010 Comprehensive Plan.

In reviewing the 2010 Comprehensive Plan for this request, it is readily apparent that a FLUM category that allows primarily residential uses may be the one that is most consistent with the overall goals guiding future land use. The 2010 Comprehensive Plan and Land Development Regulations describe the intent of each of the following land use categories that will be considered in the analysis of the request:

Mixed Use/Commercial (MC)/ Sub Urban Commercial (SC): The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. This land use category is also intended to allow for the establishment of mixed-use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited (Policy 101.4.5).

Residential Low (RL)/ Sub Urban Residential (SR): The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation (Policy 101.4.2). One of the three corresponding zoning categories is Sub Urban Residential. The others are SR-L and SS.

The purpose of the Sub Urban Residential zoning district, according to Section 9.5-207 of the Monroe County Code is to establish areas of low-to medium-density residential uses characterized principally by single-family detached dwellings. This district is predominated by development; however, natural and developed open space creates an environment defined by plants, spaces and over-water views.

Residential Medium - Improved Subdivision: Policy 101.4.3 of the Comprehensive Plan states that the principal purpose of Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. Lands within this land use category shall not be further subdivided.

According to Section 9.5-213, MCC, the purpose of the IS district is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter. For the purpose of this section, improved lots are those which are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.

IMPACT AND POLICY ANALYSIS:

Comparison of Development Potential for the Current and Proposed Land Uses:

1. Development Potential Based on Current Land Use (LDR's)

Sub Urban Commercial (SC)

As-of-Right Uses:

- low and medium-intensity commercial retail and office uses of less than 2,500 SF
- institutional residential uses of less than 10 dwelling units or rooms
- commercial apartments and employee housing less than 6 units
- commercial recreation like a theater or health club
- institutional and public uses and buildings
- accessory uses
- storage area of up to 25% of the parcel's gross area

Minor Conditional Uses:

- medium intensity commercial retail and office uses over 2,500 SF but less than 10,000 SF
- high intensity commercial retail uses less than 2,500 SF
- light industrial
- commercial apartments between 6 and 18 units
- attached and unattached residential units for employees of a commercial use on site, between 6 and 18 units
- institutional residential uses involving 10 to 20 dwelling units or rooms.
- parks or community parks

Major Conditional Uses:

- high intensity commercial retail uses of greater than 2,500 SF
- low and medium intensity commercial uses greater than 10,000 SF
- institutional residential uses involving 20 units and more
- hotels providing 25 units and more
- attached and unattached residential units involving more than 18 units designated as employee housing
- marinas
- mariculture (like shrimp farming)
- storage area more than 25% of the lot area

Pursuant to Section 9.5-269, the following floor area ratios (FAR) apply to Sub Urban Commercial:

Commercial Retail:

Low intensity	0.35
Medium intensity	0.25
High intensity	0.15

Office	0.40
Commercial Recreational	0.10
Institutional	0.30
Outdoor Recreational	0.10
Public Buildings and Uses	0.30
Light Industry	0.30

In addition, the allocated residential density for commercial apartments is three (3) units per acre, and the maximum net density is 15 units per buildable acre for employee housing.

Development potential for low & medium intensity commercial: The total area of the lands that are the subject of this application within this land use district is approximately 360,676.8 SF (8.28 acre). The maximum nonresidential floor area for a medium intensity commercial use in SC land use district is 0.25 and the open space requirement is 0.20 of the lot's gross area. Therefore, the maximum floor area of a medium intensity commercial building can be approximately 90,169 SF. However, under the current MCC, development of any amount of commercial floor space on this parcel shall be subject to the Non-Residential Rate of Growth Ordinance (NROGO). Under Section 9.5-124.4(b) of the MCC, the amount of non-residential floor area to be allocated per site shall be limited to a maximum of two-thousand five hundred (2,500) SF per allocation. In addition, a maximum of four thousand (4,000) SF of commercial floor area may be transferred from an approved commercial site through NROGO. Therefore, the maximum size of a commercial structure that may be permitted cannot exceed six thousand five-hundred (6,500) SF. Additional allocations of 2,500 SF may be received in subsequent allocation periods. An existing structure may not receive an allocation that expands the existing structure to more than 10,000 SF.

Development potential for residential: Also, the SC parcels allows employee housing with a maximum net density of 15 units per buildable acre.

2. Potential Development with the Proposed Map Amendment

RM/ IS District: Section 9.5-242, MCC, allows the following as-of-right uses in the **IS district**: Detached Dwellings, Home Occupations and Accessory Uses. Therefore, the development potential generally consists of one single family home on each lot. The number of units may vary based on the number of lots created. A minimum lot size does not apply to IS lots.

Given that the average lot area in Key Haven is 0.20 acres and total area of all the land in question is approximately 17 acres, theoretically, eighty five (85) single-family homes could be constructed if the lots created are of the same size. The applicant has stated that new lots will be larger than the average lots in Key Haven, between 1/3 acre to 1/2 acre in size. These lot sizes would allow 35 to 50 single-family homes.

Policy 101.4.3 of the Year 2010 Comprehensive Plan states that "Development within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel, which existed at the time of plan adoption." The Plan clearly states that lands within RM land use category shall not be further subdivided. With regard to creation of new IS lots, Section 9.5-213 of MCC states, "*This district is not intended to be used for new land use districts of this classification within the county.*"

Except lots 6, 7, and 8, none of the parcels included in this application are platted. The Comprehensive Plan is clear that the RM/IS District is limited to platted lots existing at the time of Plan adoption. Therefore, the map amendments to RM/IS, except for lots 6, 7, and 8, is unattainable. In light of the above discussion, staff will evaluate the residential development potential of the properties under the alternative RL/SR land use category.

3. Development Potentials Under RL FLUM and SR Land Use District Map

As mentioned in this report and based on the records, during the 1986 Comprehensive Planning Process, the Planning Department determined that all of parcels B, C, and the "Triangle Parcel" should be changed to SR zoning with the corresponding FLUM category of RL.

The purpose of the Sub Urban Residential zoning district, according to MCC Section 9.5-207 is to establish areas of low-to medium-density residential uses characterized principally by single-family detached dwellings. This district is predominated by development; however, natural and developed open spaces create an environment defined by plants, spaces and over-water views. This description best fits the proposed development and overall character of Key Haven.

Residential Low/Sub Urban Residential (RL/SR)

According to Section 9.5-262, the allocated density for lots in SR land use district is 0.5 units per acre and the maximum net density for Transfer of Development Rights is five (5.0) units per buildable area. The Open Space Ratio for SR is 0.5.

The following setback and buffering requirements apply if the lots are improved:

- A setback of fifty (50) feet will be required and shall be maintained as an open space buffer between any development occurring adjacent to all types of wetlands and the wetland line. This requirement will apply to the parcel herein known as the "Triangle" parcel. However, this requirement is superceded by permits from the Army Corps of Engineers (ACOE).
- A Class "D" major street buffer will be required along the boundary with US1 (at least 20 feet wide); and
- The parcel herein known as the "Triangle" parcel will also have an entire lot area open space requirement of twenty (20%) percent; however, the mangrove area described above shall have an open space requirement of 100%.

Use Compatibility and Effects on Community Character: Low to medium intensity residential uses are compatible with the character of Key Haven residential community.

Local Traffic and Parking: Local roads are already in place and have been well maintained. No adverse impact on the existing road conditions is expected if the land use designation is changed to Sub Urban Residential and the road configuration is not modified. Off-street and onsite parking will be adequate.

Effects on Natural Resources: lots six through eight (6-8) are disturbed upland properties. Staff feels that these parcels are heavily trafficked by both the residents of Key Haven as well as their domestic animals; therefore these parcels are not providing any known benefit to wildlife of the area. The parcel herein known as the "Triangle" parcel is a disturbed buttonwood saltmarsh with a small area of mangrove wetlands located in the north eastern corner of the parcel. While the disturbed buttonwood saltmarsh habitat is considered more environmentally sensitive than disturbed

uplands, staff feels that this area of the parcel is also currently heavily trafficked and therefore any habitat or benefit provided to wildlife is greatly diminished. However, the above described area of mangrove wetlands located on this parcel will be protected from development due to the requirement for 100% open space. Staff believes that while the open areas and natural filtration of stormwater currently provided by this parcel will be lost, due to the heavy traffic and constant disturbance by both the residents of Key Haven and their domestic animals there will be no negative impact on natural resources as a result of the proposed map amendments and subsequent development of the parcels described above excluding the area of mangrove wetlands located on the "Triangle" parcel.

Effects on Public Facilities: Objective 101.11 of the 2010 Plan requires the County to direct future growth away from environmentally sensitive land and toward established development areas served by existing public facilities. A change to residential land use district supports Objective 101.11 based on the 2005 Public Facilities Capacity Assessment Report and the listed programs on storm water and wastewater:

Traffic Circulation: U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in order to support additional development. The 2005 U.S. Arterial Travel Time and Delay Study, prepared for Monroe County Planning Department, indicates the LOS "A" at the entrance to Key Haven Boulevard. (segment 2 of U.S. Hwy 1).

Solid Waste: The existing solid waste haul out contract with Waste Management Inc. will provide Monroe County with guaranteed capacity to 2006. In addition to this contract, the 180,000 cubic yard reserve at the County landfill on Cudjoe Key would be sufficient to handle the County's waste stream for an additional four to five years (at current tonnage levels), should the County choose to discontinue haul out as the means of disposal. The combination of existing haul-out contract and the space available at the Cudjoe Key landfill provides the County with sufficient capacity to accommodate all existing and approved development for ten to eleven years. Therefore, the proposed zoning change is not expected to have a significant effect on solid waste generation or removal.

Potable Water: The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the demand anticipated for 2004. Monroe County's Public Facilities Capacity Assessment Report for 2005, indicates that there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Year 2010 Comprehensive.

In a letter dated May 03, 2004, the assistant Fire Marshal expressed concerns over the adequacy of existing infrastructures in Key Have to handle additional development. The Fire Marshal has requested a coordination letter from the applicant to insure that fire hydrants and fire department access meets NFPA 1 2000 Edition .

Storm water and Wastewater: An increase in storm water runoff will result from the proposed map amendments and subsequent development. Currently these parcels contain very little impervious area and therefore generate little unfiltered storm water runoff. If the areas are developed, each development would generate storm water runoff that is over nutrified, however

Section 9.5-293 of the Land Development Regulations requires that all developments retain storm water on site following Best Management Practices (BMP's).

Treatment of wastewater is handled by Key Haven Utilities Corporation. It is anticipated that any development on lots 6, 7, and 8 as well as the "Triangle parcel" will be connected to the Key Haven Utility.

Effects on Redevelopment/Infill Potential: There will be no negative impacts on redevelopment/infill potentials.

FINDINGS OF FACT

1. Section 9.5-511 (d) (5) b. of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5)b.(v) of the Monroe County Code). The application was initiated by the applicant in order to rezone the subject property to a land use district that corresponds with the residential character of Key Haven Subdivision.
3. The pre-1986 zoning of the subject properties was BU-1 (*Light Business District*) and RU-1 (Single Family Residential District).
4. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties were changed to IS and SR but later, the "Triangle Parcel" and lots 1 through 8 in the Ninth Addition were changed to SC.
5. Based on Section 9.5-206, the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.
6. The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.
7. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that most of Key Haven received a Future Land Use Map designation of Residential Medium (RM), and was zoned to IS, consistent with the land use.
8. Section 9.5-511 prohibits any map amendments that would negatively influence community character.
9. Policy 101.4.3 of the Year 2010 Comprehensive Plan states that development within this (Residential Medium) land use category shall be limited to one residential dwelling unit for each

such platted lot or parcel, which existed at the time of plan adoption. Section 9.5-213 of MCC states, "This district is not intended to be used for new land use districts of this classification within the county."

10. None of the lands which are the subject of this application except lots 6, 7, and 8, of the Ninth Addition are platted.
11. Pursuant to Section 9.5-207, the purpose of the Sub Urban Residential zoning district is to establish areas of low-to medium-density residential uses characterized principally by single-family detached dwellings.
12. Objective 101.11 states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The 2005 Public Facilities Capacity Assessment Report and the listed programs on storm water and wastewater indicates that there are no significant concerns regarding impacts on public facilities.
14. Goal 102 of the Monroe County Year 2010 Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
15. Policy 101.4.3 of the Plan states that the principal purpose of Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.
16. Based on the community character, Future Land Use Map designation of Residential Low (RL) and zoning district of Sub Urban Residential (SR) are consistent with the neighborhood character and are suitable alternatives to the existing MC/SC land use categories for the Triangle Parcel.

CONCLUSIONS OF LAW

1. Based on the zoning and land use history, during the 1986 Comprehensive Plan process, staff supported and approved a land use change for lots 3 through 10 of the Ninth Addition to IS/RM. Therefore, staff finds that based on the historic evidence, a map amendment to change the land use district of lots 6, 7, and 8 to IS/RM from the existing SC/MC is consistent with Policy 101.4.3 of the Comprehensive Plan and the MCC.

2. For the Triangle Parcel, the map amendment to SR/RL meets the requirements outlined in Section 9.5-511(d)(5)b.(v) and Section 9.5-215 of the Monroe County Land Development Regulations and will not negatively impact or alter the character of the subject property or the neighborhood and is supported by the staff.
3. The map amendments from SC/MC to SR/RL for the Triangle Parcel and IS/RM for lots 6, 7, and 8 of the Ninth Addition support Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan. With the exception of fire safety infrastructure as outlined in the letter from the Assistant Fire Marshal dated May 03, 2004, there are no significant concerns regarding impacts on public facilities, based on the findings of the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater.

RECOMMENDATION

Based on the Findings of Fact and Conclusions of Law, the Planning and Environmental Resources Department recommends **APPROVAL** to the Board of County Commissioners for the proposed FLUM amendments from Mixed Use/ Commercial (MC) to Residential Low (RL) for the “Triangle Parcel” and Residential Medium (RM) for lots 6, 7, and 8 of the Ninth Addition; and Land Use District Map Amendment from Sub Urban Commercial (SC) to Sub Urban Residential (SR) for the “Triangle Parcel” and Improved Subdivision (IS) for lots 6, 7, and 8.